United Nations A/AC.259/L.2

General Assembly

Distr.: Limited
30 March 2001

Original: English

United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea
Second Meeting
7-11 May 2001

Draft format and annotated provisional agenda

1. Pursuant to General Assembly resolution 54/33 of 24 November 1999, the two co-chairpersons appointed by the President of the General Assembly shall elaborate, in consultation with delegations, a format for the discussions of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea that best facilitates its work, in accordance with the rules of procedure and practices of the General Assembly.

2. On the basis of consultations with delegations and of two informal preparatory meetings held at United Nations Headquarters on 23 February and 23 March 2001, the co-chairpersons, Ambassador Tuiloma Neroni Slade (Samoa) and Mr. Alan Simcock (United Kingdom of Great Britain and Northern Ireland), propose to the second Meeting a draft format for discussions (see annex I), and an annotated provisional agenda (see annex II).

3. The descriptions of the areas of focus, contained in appendices I and II to annexes I and II, on marine science and technology and on piracy, respectively, are intended solely as starting points for the discussions and their purpose is to identify important issues that the discussion panels may choose to consider, particularly by reference to the annual reports of the Secretary-General on oceans and the law of the sea.

4. The reference to the Consultative Process under which the present document is circulated is the one adopted at the first Meeting of the Consultative Process. However, a number of delegations have indicated that they would wish to have the reference changed.

5. The Meeting is invited to consider the draft format and the annotated provisional agenda and, as appropriate, to proceed with their adoption.

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Annex I

Draft format for the second Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, 7-11 May 2001

Method of work

1. Pursuant to General Assembly resolution 54/33 of 24 November 1999, the second Meeting of the open-ended informal consultative process will work through plenary sessions, and two discussion panels will provide opportunities for input from representatives of the major groups as identified in Agenda 21.

Agenda

2. The two co-chairpersons will propose to the second Meeting an annotated provisional agenda, setting out its programme of work and a timetable for plenary sessions and two discussion panels. The second Meeting will consider these proposals and adopt its agenda and timetable accordingly.

Plenary sessions

3. The plenary sessions will be open to participation by all those listed in paragraph 3 (a) of General Assembly resolution 54/33, that is, all States Members of the United Nations, States members of the specialized agencies, all parties to the United Nations Convention on the Law of the Sea, entities that have received a standing invitation to participate as observers in the work of the General Assembly pursuant to its relevant resolutions, and intergovernmental organizations with competence in ocean affairs.

4. Within the constraints of the available accommodation, representatives of major groups as identified in Agenda 21 which have been allocated seats to participate in the discussion panels in accordance with paragraph 9 below will be free to be present to hear the discussions in the plenary sessions, in accordance with established practice.

5. In order to facilitate informal discussion, a plenary session may nevertheless decide to work in the absence of the representatives of such major groups.

Discussion panels

6. Each of the two discussion panels will consider one of the areas of focus identified in General Assembly resolution 55/7. Only one discussion panel will take place at a time. Discussion panels will not take place at the same time as plenary sessions. The discussion panel on marine science and the development and transfer of marine technology as mutually agreed, including capacity-building in this regard, will take place in two parts.

7. The discussion panels will be open to participation both by those entitled to participate in the plenary sessions and by representatives of major groups as identified in Agenda 21, to which seats have been allocated in accordance with paragraph 9 below.

8. The two co-chairpersons will propose, as part of the provisional agenda, descriptions of the areas of focus recommended in paragraph 41 of General Assembly resolution 55/7 of 30 October 2000. In the light of consultations with delegations, they will invite not more than five persons, chosen from among those mentioned in paragraph 7 above, to lead off the discussions in each part of the discussion panels, by making short presentations on questions relevant to the area of focus.

9. Seats at the discussion panels will be allocated to representatives of major groups as identified in Agenda 21 in the following manner:

(a) All organizations which represent major groups as identified in Agenda 21 and which are entitled to consultative status with the Economic and Social Council or its Commission on Sustainable Development will be entitled to apply for a seat to be allocated to them;

(b) Within the constraints of the space available, seats will be allocated to such of those organizations as have indicated their wish to participate in any of the discussion panels;

(c) If space does not permit seats to be allocated to all the organizations that wish to attend, the co-chairpersons, in consultation with the United Nations Secretariat, will make such allocations of seats as they consider will best contribute to the work of the process, taking into account:

(i) The relevance of the work of the organizations concerned to the areas of focus of the respective discussion panels;

(ii) The need for balance in representation between the different major groups with interests in those areas of focus;

(iii) The relationship of the organizations to the differing characteristics and needs of the different regions of the world, together with the principle of equitable geographical representation, and the need for an appropriate balance between major groups from developed and developing countries;

(iv) The need to provide expert inputs to the discussion of the areas of focus.

Report of the second Meeting

10. The report of the second Meeting will consist of:

(a) A statement of

(i) Agreed issues to be suggested to the General Assembly for consideration;

(ii) Agreed elements related to those issues to be proposed for consideration by the General Assembly,

in relation to resolutions of the Assembly under its agenda item entitled "Oceans and the law of the sea";

(b) A summary by the co-chairpersons of the discussions that have taken place during the second Meeting, including those in the discussion panels;

(c) A note of additions or amendments to the list in the report of the first Meeting of the Consultative Process entitled "Issues for consideration for possible inclusion in the agendas of future Meetings".

11. The two co-chairpersons will present a draft of the report to the second Meeting. There will be an opportunity during a plenary session for discussion of the draft statement of issues and elements, in order to reach consensus, and to comment on the draft summary of the discussions and the draft note of issues for future consideration. The two co-chairpersons will submit a final version of the report to the President of the General Assembly, incorporating such consensus as is reached on the issues to be suggested, and the elements to be proposed, to the General Assembly, and reflecting the comments made on the other aspects.

Annex II

Annotated provisional agenda for the second Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, 7-11 May 2001

Monday, 7 May 2001 **10 a.m.-1 p.m.**

First plenary session

Agenda item 1. Opening of the Meeting

1. In the light of General Assembly resolution 54/33 setting up the process, there will be no election of officers.

2. Mr. Hans Corell, the Legal Counsel and Under-Secretary-General for Legal Affairs, and Mr. Nitin Desai, Under-Secretary-General for Economic and Social Affairs, will open the proceedings on behalf of the Secretary-General of the United Nations.

Agenda item 2. Approval of the format of the Meeting and adoption of the agenda

3. General Assembly resolution 54/33 provides that the co-chairpersons shall elaborate, in consultation with delegations, a format for the discussions that best facilitates the work of the Consultative Process, in accordance with the rules of procedure and practices of the General Assembly.

4. The present document sets out the proposals of the two co-chairpersons. The second Meeting is invited to consider and, as appropriate, to approve:

(a) The format for the second Meeting;

(b) The agenda for the second Meeting and the timetable for plenary sessions and discussion panels.

Agenda item 3. Exchange of views on areas of concern and actions needed (based on the report of the Secretary-General on Oceans and the Law of the Sea)

5. General Assembly resolution 54/33 provides that, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, the open-ended informal consultative process is to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the reports of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

6. To this end, delegations are invited to address specifically the following questions:

(a) Whether there are urgent needs to improve coordination or cooperation at an intergovernmental or inter-agency level in relation to:

(i) Any of the fields covered by the reports of the Secretary-General;

(ii) Issues common to more than one of those fields; or

(iii) Obstacles which hinder the implementation of international instruments in those fields or the realization of benefits flowing from such instruments; and

(b) If so, what specific actions or solutions might be suggested to the General Assembly for consideration in order to help to meet such needs.

Monday, 7 May 2001 **3-6 p.m.**

Second plenary session

Agenda item 3. Exchange of views on areas of concern and actions needed (continued)

7. This agenda item will be further considered.

Tuesday, 8 May 2001 **10 a.m.-1 p.m.**
3-6 p.m.

Discussion Panel A
Marine Science and the Development and Transfer of Marine Technology, as Mutually Agreed, including Capacity-building in this Regard

Part I
Improving structures and effectiveness

8. A description of the area of focus for this discussion panel is contained in appendix I.

Wednesday, 9 May 2001 **10 a.m.-1 p.m.**
3-4.30 p.m.

Discussion Panel A (*continued*)

Part II
Priorities in marine science and technology

Wednesday, 9 May 2001 **4.30-6 p.m.**

Third plenary session

Agenda item 4. Exchange of views with the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination

9. The General Assembly in its resolution 54/33 requested the Secretary-General, working through appropriate United Nations bodies and in cooperation with the heads of relevant organizations, to undertake measures aimed at:

(a) Ensuring more effective collaboration and coordination between relevant parts of the Secretariat and the United Nations system as a whole on ocean affairs and the law of the sea; and

(b) Improving the effectiveness, transparency and responsiveness of the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination (ACC).

10. The provision of opportunities for exchange of views between national delegations and the Subcommittee has been suggested as one of the means by which the ACC Subcommittee on Oceans and Coastal Areas and its member organizations could be assisted in achieving these goals. The Chairman of the ACC Subcommittee on Oceans and Coastal Areas could therefore inform the Meeting about progress on the work of the Subcommittee. National delegations may wish to comment on actions that they believe could assist with improving the effectiveness of coordination in the fields covered by the Subcommittee.

Thursday, 10 May 2001 **10 a.m.-1 p.m.**
3-4.30 p.m.

Discussion Panel B
Coordination and Cooperation in Combating Piracy and Armed Robbery at Sea

11. A description of the area of focus for this discussion panel is contained in appendix II.

Thursday, 10 May 2001 **4.30-6 p.m.**

Fourth plenary session

Agenda item 5. Identification of issues for possible consideration at the third Meeting of the Consultative Process in 2002

12. The Meeting will be invited to review the list in the report of the first Meeting of the Consultative Process entitled "Issues for consideration for possible inclusion in the agendas of future meetings" (A/55/274, part C).

Friday, 11 May 2001 **11 a.m.-1 p.m.**

Fifth plenary session

Agenda item 6. Report on the work of the Meeting

13. It will be the aim to have drafts on issues and elements to be suggested to the General Assembly as early as possible during the week. The co-chairpersons will also provide a draft summary of the discussions.

14. The Meeting will be invited to consider the draft report in order to:

(a) Reach consensus on issues to be suggested to the General Assembly for consideration and on elements related to those issues to be proposed for

consideration by the General Assembly in relation to resolutions of the Assembly under its agenda item entitled "Oceans and the law of the sea";

(b) Comment on other aspects of the report.

Friday, 11 May 2001 3-6 p.m.

Sixth plenary session

Agenda item 6. Report on the work of the Meeting (continued)

15. The Meeting will be invited to complete its consideration of the draft report on the work of the Meeting.

Appendix I

Discussion Panel A

Description of the area of focus

Marine science and the development and transfer of marine technology, as mutually agreed, including capacity-building

General points of departure

1. "The importance of marine science for the development of marine resources, the protection and preservation of the marine environment and the study of the global environment is well recognized. The Commission on Sustainable Development observed in its decision 7/1 that scientific understanding of the marine environment is fundamental to sound decision-making."

(*Report of the Secretary-General on oceans and the law of the sea, A/55/61, para. 224*)

2. "At its first meeting, the Consultative Process emphasized the important role of marine science and technology in promoting the sustainable management and use of oceans and seas as part of efforts to eradicate poverty, to ensure food security and to sustain economic prosperity and the well-being of present and future generations. It also underlined the importance of marine science in the assessment of fish stocks, their conservation, management and sustainable use, including the consideration of ecosystem-based approaches, and, to that end, the improvement of status and trend reporting for fish stocks. Finally, the Consultative Process pointed to the consequent need to ensure access for decision makers to advice and information on marine science and technology, the appropriate transfer of technology and support for the production and diffusion of factual information and knowledge for end-users."

(*Report of the Secretary-General on oceans and the law of the sea, A/56/58, para. 458*)

3. "The General Assembly, in its resolution 55/7 of 30 October 2000, stressed the need to consider, as a matter of priority, the issues of marine science and technology and to focus on the best ways to implement the many obligations of States and competent international organizations under Parts XIII and XIV of UNCLOS, and called upon States to adopt, as appropriate and in accordance with international law, the necessary national laws, regulations, policies and procedures to promote and facilitate marine scientific research and cooperation."

(*Ibid., para. 453*)

Part I
Improving structures and effectiveness

Points of departure

4. The United Nations Convention on the Law of the Sea (UNCLOS) provides a comprehensive framework of rights and obligations relating to the conduct of marine scientific research, the promotion of marine science and the development and transfer of marine technology. Among the relevant provisions of UNCLOS are the following:

General obligations

5. States and competent international organizations shall promote and facilitate the development and conduct of marine scientific research in accordance with the Convention. (*article 239*)

6. States and competent international organizations shall, in accordance with the principle of respect for sovereignty and jurisdiction and on the basis of mutual benefit, promote international cooperation in marine scientific research for peaceful purposes. (*article 242*)

7. States and competent international organizations shall cooperate, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of marine scientific research in the marine environment and to integrate the efforts of scientists in studying the essence of phenomena and processes occurring in the marine environment and the interrelations between them. (*article 243*)

Legal framework for conduct of marine scientific research

8. All States, irrespective of their geographical location, and competent international organizations have the right to conduct marine scientific research subject to the rights and duties of other States. (*article 238*)

9. "... The consent regime as established in section 3 of Part XIII of UNCLOS represents a compromise between the coastal States' interests and those of the researching States. This compromise is reflected through the articles on tacit or implied consent and the right of the coastal State to withhold consent under specified conditions or to require the suspension or cessation of the research in progress in the exclusive economic zone and the continental shelf if the research does not comply with the information or the obligations required ...

"... The basic consent provision is contained in article 246, paragraphs 1 and 2, whereby the coastal State in the exercise of its jurisdiction has the right to regulate, authorize and conduct marine scientific research in its exclusive economic zone and on its continental shelf in accordance with relevant provisions of the Convention. It is specified that marine scientific research in such maritime zones shall be conducted with the consent of the coastal State. However, the right of the coastal State is not absolute, in that UNCLOS, true to the balance struck between the coastal State's interests and those of the scientific community, differentiates between 'normal circumstances' and situations where the discretionary powers may be exercised. It is emphasized in article 246, paragraph 3, that coastal States shall, in normal circumstances, grant their consent for marine scientific research projects. The granting of consent is thus established as the norm and not the exception. Furthermore, coastal States shall establish rules and procedures ensuring that such consent will not be subject to unreasonable delay or denial.

"... UNCLOS also identifies circumstances in which the coastal State can exercise its discretionary power to withhold consent. These are limited to four cases (article 246, paragraph 5): the research project (a) is of direct significance for the exploration and exploitation of the natural resources, whether living or non-living; (b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment; (c) involves the construction, operation or use of artificial islands, installations or structures referred

to in articles 60 and 80; or (d) contains information communicated pursuant to article 248 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the coastal State from a prior research project.

"... In order to facilitate research, article 252 contains an implied consent rule that allows States or competent international organizations to proceed with a research project six months after the pertinent information has been supplied to the coastal State (article 248 lists the information to be supplied), unless within four months of receipt of the information the coastal State has informed the researching State or organization that it has not met certain conditions.

"... The coastal State will have the right to require suspension or cessation (article 253) of the research in progress in the exclusive economic zone or on the continental shelf if the research does not comply with the information or obligations required."

(*Report of the Secretary-General, A/56/58, paras. 459-463*)

Capacity-building

10. [For the purpose of the publication and dissemination of information and knowledge], States, both individually and in cooperation with other States and with competent international organizations, shall actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, especially to developing States, as well as the strengthening of the autonomous marine scientific research capabilities of developing States through, inter alia, programmes to provide adequate education and training of their technical and scientific personnel. (*article 244 (2)*)

11. States shall promote the development of the marine scientific and technological capacity of States which may need and request technical assistance in this field, particularly developing States, including landlocked and geographically disadvantaged States, with regard to the exploration, exploitation, conservation and management of marine resources, the protection and preservation of the marine environment, marine scientific research and other activities in the marine environment compatible with this Convention, with a view to accelerating the social and economic development of the developing States. (*article 266 (2)*)

Transfer of technology

12. States, directly or through competent international organizations, shall cooperate in accordance with their capabilities to promote actively the development and transfer of marine science and marine technology on fair and reasonable terms and conditions. (*article 266 (1)*)

13. States shall endeavour to foster favourable economic and legal conditions for the transfer of marine technology for the benefit of all parties concerned on an equitable basis. (*article 266 (3)*)

Implementation

14. The means foreseen to implement these obligations include the publication and dissemination of information on proposed major programmes and resulting

knowledge (article 244 (1)), programmes of technical cooperation (article 269 (a)), conferences, seminars and symposia (article 269 (c)), exchanges of scientists and experts (article 269 (d)), joint ventures (article 269 (e)), the establishment or strengthening, particularly in developing coastal States, of national marine scientific and technological research centres (article 275) and the establishment of regional marine scientific and technological research centres, particularly in developing States (article 276).

15. Under article 277, such regional centres are intended to provide for, inter alia:

- Training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geological exploration of the seabed, mining and desalination technologies;
- Management studies;
- Study programmes related to the protection and preservation of the marine environment and the prevention, reduction and control of pollution;
- Organization of regional conferences, seminars and symposia;
- Acquisition and processing of marine scientific and technological data and information;
- Prompt dissemination of results of marine scientific and technological research in readily available publications;
- Publicizing national policies with regard to the transfer of marine technology and systematic comparative study of those policies;
- Compilation and systematization of information on the marketing of technology and on contracts and other arrangements concerning patents;
- Technical cooperation with other States of the region.

16. Under article 272, there is a particular duty to coordinate activities of international programmes: States are to endeavour to ensure that international organizations competent in the field of transfer of marine technology coordinate their activities, including any regional or global programmes, taking into account the interests and needs of developing States, particularly landlocked and geographically disadvantaged States.

Specific questions for discussion

17. ***Legal framework*. How can international cooperation help States to ensure that they have in place the legislation, the procedures and the agencies for carrying out marine scientific research and for giving clearance for marine scientific research projects of others, which are needed to give effect to the legal framework established by UNCLOS?**

18. **How should guidelines and criteria be developed at the international level to assist States in ascertaining the nature and implications of marine scientific research?**

19. ***Decision-making and development.*** **How can marine science help decision makers achieve the sustainable development and use of the oceans and their resources? How can we ensure that marine scientific research responds to the needs of decision makers, and that decision makers are able to access the resulting knowledge, to understand it and to apply it?**

20. ***Capacity-building.*** **Are there adequate scientific programmes or institutions covering the different parts of the world's oceans, with the aim of supporting national Governments, regional fisheries organizations and arrangements and regional seas programmes in obtaining and applying the scientific knowledge needed for the proper conservation and management of the ocean and its resources?**

21. **If not, what measures can national Governments and international organizations take both to improve the development of scientific knowledge about the oceans, access to it and its application in decision-making, and to meet the needs for capacity-building related to these matters?**

22. ***Technology transfer.*** **How can agreements of all kinds be facilitated to promote the transfer on fair and reasonable terms of marine scientific knowledge and technology? Where can improved international cooperation and coordination foster favourable economic and legal conditions for the transfer of marine technology on an equitable basis?**

Further relevant issues

23. ***Information base.*** Much information is already available. How can we improve abilities to find the knowledge that is relevant (for example, through improvements in data-collection methods, archiving and retrieval) and to interpret how to apply that knowledge to the problems that have to be resolved?

24. ***Investment.*** Is the establishment of national and regional centres for marine research (including the provision of research vessels) given sufficient priority in development and investment programmes? Are there ways in which the private sector can be more effectively involved in developing such centres?

25. ***Regional considerations.*** How can we improve coordination between, and cooperation among, the various intergovernmental scientific, fisheries-management and environmental-protection organizations at the level of the regional seas?

Part II
Priorities in marine science and technology

Points of departure

26. The reports of the Secretary-General (A/54/429, A/55/61 and A/56/58) draw attention, among other things, to many areas in which marine science and marine technology are fundamental for taking sound decisions. Such issues include (in the sequence in which they appear, and not in any order of importance or priority):

- ***continental shelf***: the geological, geophysical, hydrographic and geodesic aspects of delineating the outer limits of the continental shelf beyond 200 nautical miles;

- ***safety of navigation***: ship reporting systems; vessel traffic systems;
- ***marine fisheries***: fish-stock and fish-catch statistics; studies of the effect of oceanic warming, and of periodic fluctuations, on the composition of fish species in a given ocean area; studies of the economics of fisheries;
- ***marine mammals***: population statistics;
- ***marine and coastal biodiversity***: descriptions of marine ecosystems and changes in them; studies of coral bleaching and other investigations of coral reefs; marine and coastal genetic resources; hydrothermal-vent biotas;
- ***non-living marine resources***: exploration of hydrocarbon resources; methane hydrates; exploration of sand and gravel resources and of metals and gemstones; polymetallic nodules; polymetallic sulphides; effects of hydrocarbon escapes; deep-sea mining technology;
- ***reduction and control of pollution***: assessment of conditions and problems in the marine environment; the fate of pollutants in the marine environment; the effectiveness and acceptability of dispersants; technology for containing pollution from accidents; atmospheric inputs to the oceans; land/ocean interactions;
- ***marine protected areas***: studies of marine biodiversity to identify particularly sensitive areas; management techniques for marine protected areas;
- ***underwater cultural heritage***: techniques for the location and conservation of human artefacts on the seabed;
- ***oceanography***: the understanding and prediction of oceanic currents, temperature, salinity and stratification (especially in relation to phenomena such as El Niño and La Niña); ocean/climate interrelationships, especially the effects of global warming on sea-level rise; integration of oceanographic data with economic and social data.

27. The priorities attaching to these many different themes differ. Some (for example, the techniques for locating and conserving underwater cultural heritage) have few interactions with other fields and are being addressed in their own specialist forums. They may therefore not need special attention in a general forum on marine science. Others are closely connected to the issues to which last year's Meeting of the Consultative Process gave priority: fisheries and marine pollution and degradation from land-based activities. These may merit more attention from the point of view of international coordination and cooperation.

28. Many of the topics are closely linked. In addition, many are linked to cross-cutting issues such as protecting human health, ensuring food security and eradicating poverty. Even when effective structures are achieved, at the national, regional and global levels, to implement Parts XIII and XIV of UNCLOS, there will be a need for coordination and cooperation in pursuing the issues that will best contribute to the sustainable development and use of the oceans and their resources.

29. Establishing priorities for international action on marine science can be assisted by clear, comprehensive views of the state of the world's oceans and their resources. Such holistic views can provide the chart by which decision makers can navigate among the many complex issues. There are a number of activities in progress to improve understanding of, and access to, marine science. These include

the reviews of the world's oceans by the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP), the Global Ocean Observing System (GOOS), the Global International Waters Assessment (GIWA), the Ocean Assessment being undertaken by the Intergovernmental Oceanographic Commission (IOC), etc. There may be potential overlaps between, or gaps among, these activities. Initiatives such as the Integrated Global Observing Strategy (IGOS) may help to avoid such risks. The request, at its most recent meeting, of the Governing Council of the United Nations Environment Programme to its Executive Director in relation to an overview of the world's oceans is also relevant.

Specific questions for discussion

30. **What are the priority areas of marine scientific research in which international coordination and cooperation needs strengthening, in order to promote the sustainable development and use of the oceans and their resources? Given the priority accorded by the Consultative Process to fisheries and the impact on the oceans of land-based activities, what particular issues need to be pursued to support the recommendations of last year's Meeting?**

31. **What are the areas in which linkages between different fields of marine scientific study need to be established or strengthened? How can we establish or strengthen linkages between the study of the marine environment and the study of social and economic factors?**

32. **How can we improve our understanding of the ways in which ecosystems work, so as to be able to achieve sustainable development and the use of the oceans and their resources, and to reduce the extent to which human activities produce unforeseen and unwanted results?**

33. **Is there a need for any further initiative for an integrated global overview of the issues relating to the world's oceans that require further scientific research? If so, what form might it take?**

Appendix II

Discussion Panel B

Description of the area of focus

Coordination and cooperation in combating piracy and armed robbery at sea

Points of departure

1. "*The General Assembly*,

"...

"*Urges* all States, in particular coastal States, in affected regions to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional cooperation, and to investigate or cooperate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law;

"*Calls upon* States, in this context, to cooperate fully with the International Maritime Organization, including by submitting reports on incidents to the organization and by implementing its guidelines on preventing attacks of piracy and armed robbery;

"*Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol, and to ensure its effective implementation".

(*General Assembly resolution A/55/7 of 30 October 2000, paras. 33-35*)

2. At its fifty-fifth session, the General Assembly had before it a note by the Secretary-General transmitting the text of the letter sent to him by the Secretary-General of the International Maritime Organization (IMO) on 8 June 2000. The letter reported that "at its recent seventy-second session ... the IMO Maritime Safety Committee, while acknowledging the positive action of the General Assembly and being appreciative of its support, was of the opinion that there might be additional assistance which could be provided from other bodies within the United Nations system which would ensure that seafarers and ships could safely and peacefully engage in international maritime activities."

(see *A/55/311, annex*)

3. "The Maritime Safety Committee [of the International Maritime Organization] at its seventy-third session had expressed deep concern at the number of acts of piracy and armed robbery against ships, reported to the organization during the first 10 months of 2000: a total of 314, representing an increase of 27 per cent over the figure for the same period in 1999."

(*Report of the Secretary-General on oceans and the law of the sea, A/56/58, para. 176*)

4. "[In 1998], the International Maritime Bureau and the International Transport Workers' Federation (ITF) believe[d] that official reports account[ed] only for 50

per cent of the attacks, because ship owners [were] hesitant to report an incident for fear of having their ships immobilized during an inquiry (which could cost them up $10,000 a day) and could also result in the loss of clients. The insurance companies [were said to] settle cases discreetly and simply increase[d] premiums in high risk regions."

(*Report of the Secretary-General on oceans and the law of the sea, A/53/456, para. 147*)

5. "Some of the main problem areas identified during the [IMO] missions of experts and regional seminars and workshops held so far were: the economic situation currently prevailing in the regions concerned; certain resource constraints on law-enforcement agencies; lack of communication and cooperation between the various agencies involved; the response time after an incident has been reported to the coastal State concerned by affected ships; general problems of ship reporting; timely and proper investigation into reported incidents; the prosecution of pirates and armed robbers when apprehended; and lack of regional cooperation."

(*Report of the Secretary-General on oceans and the law of the sea, A/54/429, para. 236*)

6. The legal framework for addressing this issue is provided by the United Nations Convention on the Law of the Sea, especially articles 100 to 107 and article 110, as well as article 58, paragraph 2, which refers to the application of the rules of the high seas to the exclusive economic zone. It is supplemented by the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol. In this context it is important to differentiate between piracy, which is an international crime under international law and can only be committed on the high seas and in the exclusive economic zone, and any other illicit acts or criminal actions committed within the jurisdiction of a State, which are therefore punishable under national law.

7. The International Maritime Organization in 1993 adopted resolution A.738 (18) on measures to prevent and suppress piracy, and in 1999 issued MSC/Circ 622 on "Recommendations to Governments for preventing and suppressing piracy and armed robbery at sea", and MSC/Circ 623 on "Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing piracy and armed robbery at sea". The organization has acted in three directions:

(a) Issuing monthly reports on piracy and armed robbery against ships submitted by Governments and international organizations;

(b) Conducting seminars and workshops in regions affected by acts of piracy and armed robbery;

(c) Adopting at the seventy-third session of the Maritime Safety Committee (MSC 73) the text of a Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships (MSC/Circ. 984), with a view to its adoption by the IMO Assembly at its twenty-second session in November 2001.

A draft resolution is under preparation on the issue of phantom ships.

Specific questions for discussion

8. **Are adequate actions being taken at the regional level to ensure close coordination and cooperation among maritime authorities and the law-**

enforcement agencies of the States concerned? How to improve communication between agencies involved and ensure better intelligence information exchange?

9. **How can we assist States in enacting the necessary legislation to ensure the punishment of offenders and in establishing adequate enforcement capabilities?**

Factors for consideration

10. Among the main factors relevant for consideration of these issues are the following:

11. ***Information base***. Do the arrangements for the exchange of information at the regional level between maritime authorities provide adequate and efficient access to ensure adequate response measures? Have the procedures in case of attacks been followed, such as immediate reporting to a Rescue Coordination Centre (RCC), or to the coastal States, or to the flag States concerned?

12. ***Investment***. How can we ensure the provision of resources to follow up on workshops? How can we provide assistance to States to establish the necessary mechanisms?

13. ***Capacity-building***. Necessary enforcement measures require the establishment of procedures by the responsible authorities. These include: the necessary legislation for States to act, in particular to establish their jurisdiction over the offences of piracy and armed robbery against ships as well as to enable the apprehension and prosecution of persons committing such offences; the adequate surveillance and monitoring mechanisms and the legal skills to handle unlawful acts.

14. ***Regional considerations***. Is the regional mobilization adequate? Would it not be necessary to have assessment of action taken on the basis of the workshops? There is a necessity to establish a data bank containing registration of ships at the regional level.

15. ***International arrangements***. How can we increase cooperation against fraudulent registration, certification and identification of ships?